

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )  
 SITTING IN LAKE COUNTY, INDIANA  
  
JOEL VARGAS, )  
 )  
 Plaintiff, )  
 )  
 v. ) CAUSE NO.:  
 )  
AMERISTAR CASINO )  
 )  
EAST CHICAGO, LLC. )  
 )  
 Defendant. )

**COMPLAINT FOR DAMAGES AND JURY DEMAND**

COMES NOW, the Plaintiff(s), Joel Vargas, by Counsel, Michael F. McFarland of Walter J. Alvarez, P.C., and for their cause of action against the Defendant, Ameristar Casino East Chicago, LLC, states as follows:

**Count I: Negligence of Ameristar Casino East Chicago, LLC**

1. This is a civil action for injuries and damages that the Plaintiff(s), Joel Vargas, sustained as a result of a fall which incurred on or about April 24, 2018, when he fell while cleaning the hood of an oven inside a restaurant located in the Ameristar Casino East Chicago establishment due to the defendant's negligent failure to inspect and maintain the premises, thus creating an unsafe condition on the floor, in East Chicago, in Lake County, State of Indiana.

2. At said date and time, the Defendant(s), Ameristar Casino East Chicago, LLC, was located and/or did business in Lake County, Indiana.

3. At said date and time, the Plaintiff(s) was lawfully on the premises of the Defendant(s) as an invitee and with the permission of, and for the benefit of, the Defendant(s).

4. At said date and time, the Plaintiff(s) fell and sustained burns resulting in scarring due to the Defendant's negligent failure to inspect and maintain the premises, thus creating an

unsafe condition on the floor in the Defendant's establishment and the Plaintiff sustained injuries.

5. That the Defendant(s) had a duty to the Plaintiff to maintain the premises in a reasonably safe condition, and that the Defendant(s) were negligent regarding same.

6. That the Defendants' negligence included, but is not limited to all of the following:

- a. Failure to exercise reasonable care to discover a dangerous condition which provided an unreasonable risk of harm to Plaintiff;
- b. Failing to operate the establishment in a reasonably careful and prudent matter;
- c. Failure to exercise reasonable care to protect business invitees against danger, when the Defendants knew, or should have known that its invitees would not realize the danger or would fail to protect themselves against the danger;
- d. Failing to follow recommendations that would prevent this aforementioned hazard;
- e. Failing to use the requisite degree of care that a reasonably prudent person would have used under the same or similar conditions; and
- f. Failure to exercise reasonable and prudent care for the safety of their business invitees.

7. That a direct and proximate result of the negligence of the Defendant(s), the Plaintiff(s), suffered injuries, some of which are permanent, incurred medical expenses for care, testing and treatment, suffered loss of wages and earning ability, and an inability to engage in their normal daily activities for an indefinite period of time.

WHEREFORE, the Plaintiff(s) demands judgment against the Defendant(s), Ameristar Casino East Chicago, LLC, and prays as follows:

1. For reasonable compensatory damages;
2. For pre-judgment interest and post judgment interest;
3. For the costs of this action; and
4. For all other necessary and proper relief.

Respectfully submitted,

**WALTER J. ALVAREZ, P.C.**  
Attorneys for Plaintiff

/s/Michael F. McFarland  
Michael F. McFarland, #20578-64  
WALTER J. ALVAREZ, P.C.  
1524 West 96<sup>th</sup> Avenue  
Crown Point, IN 46307  
T (219) 662-6400  
F (219) 662-6410  
Email: [michael@gowithalvarez.com](mailto:michael@gowithalvarez.com)

**PLAINTIFF DEMANDS TRIAL BY JURY**

**WALTER J. ALVAREZ, P.C.**  
Attorneys for Plaintiff

/s/Michael F. McFarland  
Michael F. McFarland, #20578-64  
WALTER J. ALVAREZ, P.C.  
1524 West 96<sup>th</sup> Avenue  
Crown Point, IN 46307  
T (219) 662-6400  
F (219) 662-6410  
Email: [michael@gowithalvarez.com](mailto:michael@gowithalvarez.com)